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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,489	03/23/2004	Matsuhiko Nishizawa	10939/2172	3061

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SONNENSCHN NATH & ROSENTHAL LLP  
FOR PAULA EVANS  
P.O. BOX 061080  
WACKER DRIVE STATION, SEARS TOWER  
CHICAGO, IL 60606-1080

EXAMINER

LILLING, HERBERT J

ART UNIT PAPER NUMBER

1657

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/807489

EXAMINER

ART UNIT

PAPER

20070425

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

The reply filed on March 26, 2007 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

Claims 7-17 and 22-34 are now pending in this application.

Claims 1-6 and 18-21 were previously cancelled.

Applicant has failed to properly elect the species drawn to the elected invention. Claim 12 requires at least three enzymes wherein the third enzyme is NADH. Applicant has stated that Claims 10-11 and 34 read on the elected invention. However, claim 34 requires at least three immobilized enzymes which includes NADH immobilized on the electrode. Therefore, it appears that the election is not commensurate in scope with the claimed species election as elected two enzymes. In addition, there is an issue whether claim 34, which was not originally presented, is patentably distinct from the electrode which is patentably different from that of the claimed apparatus of claim 34 which further contains an oxygen separation membrane that is not required by the electrode. See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lilling whose telephone number is 571-272-0918 and Fax Number is 571-273-8300. or SPE Jon Weber whose telephone number is 571-272-0925. Examiner can be reached Monday-Friday from about 7:30 A.M. to about 7:00 P.M. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


H.J.Lilling: HJL

(571) 272-0918

Art Unit 1657

April 25, 2007

Ser. No. 10/807489

  
HERBERT J. LILLING  
Primary Examiner  
Art Unit: 1657